

## **REMARKS**

The present amendment is in response to the Office Action mailed May 21, 2010. Claim 23 is cancelled and claim 24 is amended. Claims 1-8, 10-22 and 24-30 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claims. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claims and the cited references. In addition, Applicant requests that the Examiner carefully review any references discussed below to ensure that Applicant's understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

### **I. Rejection Under 35 U.S.C. § 103(a)**

The Examiner rejects claim 23 under 35 U.S.C. § 103(a) in view of Japanese Publication No. JP 04-071158 to Kobayashi et al. ("Kobayashi"). The only available English version of Kobayashi at the time of the Office Action is the English abstract of Kobayashi.

By this amendment, claim 23 has been cancelled. As such, Applicants submit that the rejection of claim 23 under 35 U.S.C. § 103(a) is moot and ask that the rejection be withdrawn.

### **II. Allowed Subject Matter**

The Examiner has indicated that claims 24-26 would be allowable if rewritten in independent form including all of the elements of the base claim and any intervening claims. In response, Applicants have rewritten claim 24 in an independent format so as to include all of the elements of the base claim. In particular, the scope of claim 24 has not been narrowed in any way so as to overcome any prior art, but has merely been rewritten in an independent format. As acknowledged by the Examiner, that claim is patentably distinct from the prior art, and is now in

a condition for allowance. Moreover, for at least the same reason, claims now depending from claim 24, namely claims 25-26, are also in a condition for allowance.

The Examiner's allowance of claims 1-8, 10-22 and 27-30 is appreciated.

In summary, claims 1-8, 10-22 and 24-30 are now pending in view of the above amendments, and all are patentably distinct from the prior art. Allowance of each of these claims is respectfully requested.

### **CONCLUSION**

In view of the foregoing, Applicant believes the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefor and charge any additional fees that may be required to Deposit Account No. 23-3178.

Dated this 16<sup>th</sup> day of August, 2010.

Respectfully submitted,

**/Paul G. Johnson/Reg. No. 58539**

Paul G. Johnson  
Registration No. 58,539  
Attorney for Applicant  
Customer No. 022913  
Telephone No. 801.533.9800